

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.19033-M of 2007

Date of Decision:- 20.09.2007

Jameet @ Meeta @ Jagmeet

....Petitioner(s)

through
Mr.G.S.Sidhu, Advocate

vs.

State of Haryana

....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition under Section 439 Cr.P.C. is to release the petitioner on regular bail in case F.I.R.No.28 dated 28.1.2006 under Sections 15, 16, 61, 85 of the N.D.P.S.Act, registered at Police Station, Kalanwali, District Sirsa.

As per the allegations contained in the F.I.R., a patrolling police party saw three persons sitting on two gunny bags and upon suspicion, the police party enquired about their identity and they disclosed their names as Bhola Singh son of Chand Singh, Meeta @ Jagmeet son of Bara Singh and Nachhattar Singh son of Mara Singh and as soon as the police party allegedly wanted to see as to what was there in the gunny bags, two of them, namely, Bhola Singh son of Chand Singh and the petitioner herein allegedly ran away by jumping over the small wall, while the third person was apprehended at the spot. It is further alleged that out of two gunny bags, poppy husk weighing 76 Kgs. was recovered.

The petitioner's co-accused Bhola Singh son of Chand Singh moved a petition under Section 438 Cr.P.C. for the grant of pre-arrest bail and vide order dated 15.2.2007, the learned Additional Sessions Judge, Sirsa granted him pre-arrest bail after observing that the manner in which the occurrence is alleged to have taken place, creates strong suspicion with regard thereto as it was not possible for the said petitioner to run away in the manner as alleged by the police.

The petitioner, however, appears to have been arrested later on consequently on 15.6.2007 and is in custody since then.

Meanwhile, three prosecution witnesses have already deposed whereas eight more witnesses are proposed to be examined.

Having regard to the nature of allegations contained in the F.I.R., the petitioner's case is not distinguishable from that of his co-accused Bhola Singh son of Chand Singh to whom concession of pre-arrest bail has already been granted.

Since while granting pre-arrest bail to Bhola Singh, the learned Additional Sessions Judge has doubted the genuineness of the police case, it appears that the rigours of Section 37 of the Act cannot be attracted at this stage.

Be that as it may, without expressing any views on the merits of the case lest it should prejudice either of them and keeping in view the period already spent by the petitioner in custody and the fact that his co-accused has already been granted the concession of pre-arrest bail, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of Special Judge, Sirsa.

September 20, 2007
poonam

(SURYA KANT)
JUDGE